

DIST/OFFICE	DOCKET		FILING DATE			J	N/S	O	R	R 23	DEMAND		JUDGE NUMBER	JURY DEM.	DOCKET	
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1085/4	76	0407-C	07	29	76	4	830	2	1:4		750		8510		76	0407-C

## PLAINTIFFS

KAIN, CALVIN L.

## DEFENDANTS

KAIN'S RESEARCH AND DEVELOPMENT  
COMPANY, INC.,

LEE, HAROLD D., BORDELON, OWEN J. JR.

CARIMI, DARRYL J., AND

CHAFIN, JAMES H.

## CAUSE

## ATTORNEYS

R. Dobie Langenkamp  
Gary M. McDonald  
DOERNER, STUART, SAUNDERS, DANIEL  
& LANGENKAMP  
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Suite 700, Holarud Building  
10 East Third Street  
Tulsa, Oklahoma 74103  
(918) 584-1471

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## FILING FEES PAID

DATE

RECEIPT NUMBER

C.D. NUMBER

## STATISTICAL CARDS

CARD DATE MAILED

JS-5 Aug. 1, 1976

JS-6

DATE	NR.	PROCEEDINGS
76		Kain v. Kain's Research
7-29	1.	Petition for Removal from Tulsa County District Court, OK, fld. w/cpy of petition attached. v
7-29	2.	Bond on Removal, fld. Principals are Harold D. Lee, Owen J. Bordelon, Jr., and Darryl J. Carimi, and Hartford Accident & Indemnity Co. is Surety; both bound in the amount of \$500.00. v
7-29	3.	Notice of filing petition for removal, fld. v
7-29	4.	Brief of Defts., Harold D. Lee, Owen J. Bordelon, Jr., and Darryl J. Carimi, in support of petition for removal, filed. v
8-2	5.	Appl. & ORDER granting Deft. Kain's Research & Dev. Co. an extension of 15 days after 8-1-76 to ans., fld. (JCS-CC)v -cps. mld. by atty.
8-16	6.	Deft. Kain's Research and Dev.'s Motion to dismiss, or in the alt. Motion for S/J, filed. ph
8-16	7.	Brief of Kain's Research and Dev. Co. in support of motion to dismiss or in the alt, motion for S/J, filed. ph
8-16	MO:	It is ordered by the Court that the Plaintiff file a resp. brief within 10 days to the Motion to Dismiss, or in the alt. Motion for S/J by deft, Kain's Research and Dev. Co., Inc. (HDC-J)ph cps mld
8-16	8.	Affidavit of Harold D. Lee, filed. ph
8-24	9.	Pltf's appl. for ext. of time to resp. to Motion for S/J of deft. Kain's Res. and Dev., filed. ph <i>oto g</i>
8-25	10.	Order, filed, granting pltf. til 9-10-76 to respond to deft Kain's mot. for S/J. (HDC-J)k cps mld
9-13	11.	Brief of Calvin L. Kain, pltf., in oppos. to deft. Kain's Res. and Dev. Co.'s motion to dismiss and motion for S/J, filed. ph
9-29	12.	Brief of Kain's Res. & Dev. in resp. to brief of Calvin L. Kain in oppos. to deft. Kain's Res. & Dev.'s motion to dismiss and motion for S/J, filed. ph
12-29	13.	Order overruling motion of deft. Kain's Research & Devp. Co. to dismiss or alternatively for S/J, filed. (HDC-J)hm (copies mailed)
<u>1977</u>		
1-12	14.	Ans. of deft. Kain's Res. and Dev. Co., filed. ph
1-17	MO:	Case set for PT hearing on 4-5-77 at 1:00 p.m. (HDC-J)ph notices mld
1-31	MO:	Case reset for PT hearing 4-1-77 at 1:00 p.m. (HDC-J)hm
3-2		Summons, ret. & filed: served Harold D. Lee, Beaumont, Tx. 2-16-77; Owen J. Bordelon, Jr. and Darryl J. Carimi, Gretna, La. 2-23-77. (USM \$18.48)g
3-9	14	Deft. Owen J. Bordelon, Jr.; Darryl J. Carimi and Harold D. Lee, appl. & order granting deft until 3-25-77 to plead, answer or file a claim. fld. (JCS Clk) cps mld by atty. ho
3-14	15.	Deft. Kain Res. & Dev.'s notice to take depositions of pltf. on 3-18-77 at Tulsa, OK, filed. ph
3-17	16.	Pltf. first written interrogatories to def. Kain, filed. rm
3-25	17.	Mo/dismiss of defts. Carimi, Bordelon and Lee, filed. hm
3-25	18.	Brief in support of mo/dismiss of above defts, filed. hm
3-28	MO:	Pltf. directed to file resp. brief within 10 days to the mo/dismiss of defts. Carimi, Bordelon & Lee. (HDC-J)hm
3-28	19.	Affidavit of Harold D. Lee, filed. ph
3-28	20.	Affidavit of Owen J. Bordelon, Jr., filed. ph

## CIVIL DOCKET CONTINUATION SHEET

PLAINTIFF	DEFENDANT	DOCKET NO. <u>76-C-407-C</u>
Calvin L. Kain	Kain's Research and Dev. Co., et al	PAGE <u>3</u> OF <u>2</u> PAGES

DATE	NR.	PROCEEDINGS
<u>1977</u>		
<u>3-29</u>	21.	Pltf's motion to continue PT conf. of 4-1-77, filed. ph
3-30	22.	Objections of Kain's Res. and Dev. to pltf's motion to continue PT Conf., filed. ph
3-31	MO:	Ordered that motion to continue PT conference is overruled. (HDC-J)ph parties called.
4-1	MO:	Pre-trial hearing held. Statements made. Deft. requests separation of trials on first and second causes of action. Pltf. objects. Court to rule on jurisdictional question prior to trial date & question of setting case for trial on Ct. 2 is reserved. Case set for non-jury trial on Ct. 1 only at this time on 6-22-77 at 9:30 a.m. Discovery to be complete by 5-2-77 & case to be set for supplemental PT conf. Statement of witnesses w/summary of test. and suggested F/F & C/L to be filed by 6-8-77. Pltf. to prepare PT order by 5-6-77. (HDC-J)hm
4-1	23.	Kain's Research & Development Co., Inc's proposed PT order, filed in open court. hm
4-7	24.	Pltf's resp. to defts' Carimi, Bordelon and Lee's mo/dismiss, filed.ph
4-12	--	Deposition of Calvin L. Kain taken on 3-18-77, filed. (P.Walker-CSR)ph
4-15	25.	Defts. brief in response to pltf. response to defts Carimi, Bordelon and Lee's motion to dismiss, filed. rm
4-18	26.	Kain's Research and Dev. Co's ans. to pltf's first written interrogs, filed. ph
4-20	27.	Notice by pltf. of taking oral deposition of Kain's Research in Tulsa on 4/27/77, filed. rm
4-25	28.	Motion of def. Kain's Research to vacate notice of taking deposition and memo brief, deposition set for 4/27/77, filed. rm
4-26	---	Hrg. held in chambers, re def. Kain's mo/vacate notice of taking dep. set for 4/27/77 in Tulsa. Counsel present. Statements made. Ct. directs depositions to be taken in New Orleans or Beaumont, Tex. for convenience of def. unless pltf. bears expense of bringing witnesses and documents to tulsa. Pltf. to advise which procedure they desire. Parties to confer and agree on later date. If agreement not reached, parties to notify Ct.(HDC-J)rm
4-28		Alias summons, ret. & filed: served Darryl J. Carimi, Gretna, La. by serving Linda Barnard, Secy., 4-18-77. (USM \$5.16)g
4-29	29.	Pltf's Motion for leave to file amended complaint, filed. ph
4-29	30.	Pltf's brief in support of motion for leave to amend complaint, filed.ph
5-2	MO:	It is ordered by the Court that the deft. file a resp. brief within 10 days to the pltf's motion for leave to file amended complaint. (HDC-J)ph ltr mld
5-12	31.	Pre-trial Order with Exhibits 1, 2, 3, 5, & 6, filed. (HDC-J)k <i>Parties have copies</i>
5-12	32.	Deft. Kain's Response to Pltf's Mot. for Leave to File Amended Compl. & Brief in Support Thereof, filed. njb
5-24	--	N/J trial notices for 6-22-77, mailed. ph
6-7	33.	Deft. notice to take deposition of Jay W. Seastrunk and Andrew Michel at New Orleans, LA on 6-14-77, filed. ph
6-9	34.	Pltf's motion to vacate notice of taking depos. and memo. in support thereof, filed. ph

## CIVIL DOCKET CONTINUATION SHEET

PLAINTIFF		DEFENDANT	DOCKET NO. <u>76-C-407</u>
Calvin L. Kain		Kain's Research and Development et al	PAGE <u>4</u> OF <u>2</u> PAGES
DATE	NR.	PROCEEDINGS	
<u>1977</u> 6-8	34a.	Kain's Res. and Dev. Co., Inc.'s proposed F/F and C/L and list of witnesses, filed. ph	
6-8	35.	Pltf's requested F/F and C/L, filed. ph	
6-8	36.	Pltf's witnesses to be called at trial, filed. ph	
6-10	37.	Deft's resp. to obj. of pltf. re notice to take depos. of Jay Seastrunk and Andrew Michel on 6-14-77 (in letter form), filed. ph	
6-10	38.	Order, filed, that pltf's motion to vacate taking of depos. of Jay W. Seastruck and Andrew Michel on 6-14-77 is overruled. (HDC-J)ph	
6-17	39.	Order, filed, that the mot. to dismiss of defts. Bordelon and Lee is overruled. (HDC-J)k cps mld (If deft. Carimi is not properly served with in 15 days, pltf's second cause of action will be dismissed as against deft. Carimi).	
6-20	40.	Pltf's trial brief, filed. ph	
6-21		Depos. of Darryl John Carimi & William E. Arms, Jr., taken on behalf of the Pltf. on May 4, 1977, before Evelyn E. Rutherford, CSR, w/fees \$171.00 paid by Pltf. fld. ho	
6-22	---	Deposition of Dr. Jay Seastrunk II, taken on 6/14/77, filed. rm	
6-22	---	Deposition of Harold Douglas Lee, taken on 5/19/77, filed. (\$73.50 pd. by pltf.)rm	
6-22	--	Subpoena, ret & filed: Served Mrs. Pauline Wallace, Off. Mgr., Western Union, at Tulsa, OK, on 6-21-77. (USM \$2.00)ph	
6-23	MO:	Case tried to the Court June 22&23. Pltf's mo/leave to file amended complaint denied. Deft's req. for protective order re test. of certain witnesses testifying as to trade secrets sustained. Rule invoked. Opening statements made. Pltf. presents case in chief w/test of witnesses & introduction of exhibits. Deft. introduces Ex. #7. Deft. orally asserts counterclaim against pltf. Pltf. objects. Deft. withdraws mo/assert c'claim & is given perm. to reinstate it at a later time. On 6-23, hearing held in chambers. Parties announce settlement & read terms of agreement into record. Case passed to 6-24-77, when final papers will be submitted to the Court. (HDC-J)hm	
6-23		Trial exhibits, filed. hm	
6-24	--	Reporter's Partial Transcript of Proceedings had on 6/23/77, in chambers, before Judge Cook, fld. by Thomas G. Bloxom, U.S. Court Reporter. v	
6-24	41.	Stipulation of dismissal w/prejudice, filed. rm	
6-24	42.	Order of dismissal w/prejudice, filed and entered, that complaint is dismissed w/prej., each party to bear own costs & expenses.(HDC-J)rm	
		copies mailed	
<u>1980</u> 8-7	--	EXHIBITS returned to deft. counsel. hm	